

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Release of Code Enforcement Lien – Case No. 08-08-CEB – Nancy Foy, previous owner and Countrywide Home Loans, current owners, 701 Coach Light Drive, Fern Park

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Dori DeBord

CONTACT: Carolyn Jane Spencer

EXT: 7403

MOTION/RECOMMENDATION:

Approve the Release of Lien in the amount of \$12,000.00, Case No. 08-08-CEB, on 701 Coach Light Drive, Fern Drive, Tax Parcel # 20-21-30-526-0A00-0260, previously owned by Nancy Foy, and currently owned by Countrywide Home Loans, Inc., and authorize the Chairman to execute a Release of Lien.

District 4 Carlton D. Henley

Tina Williamson

BACKGROUND:

In response to a complaint, on September 10, 2007, the Code Enforcement Officer observed the following violations located at 701 Coach Light Drive, Fern Park: Uncultivated vegetation in excess of 24" in height and located within 75' from any structure; stagnant or foul water in a swimming or wading pool; fences not maintained in their original upright condition and fencing missing boards, pickets, posts or bricks in violation of Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3 (h) and (n) and Seminole County Land Development Code, Chapter 30, Section 30.1349 (e) and (g).

The timeline up until compliance on these violations is below:

DATE	ACTION	RESULT
November 16, 2007	Statement of Violation and Request for Hearing.	Filed by Code Enforcement Officer.
December 21, 2007	Notice of Hearing mailed to Respondents.	Certified mail returned.
January 24, 2008	Code Board Hearing – Findings of Fact, Conclusions of Law and Order.	Order entered by Code Enforcement Board giving a compliance date of February 8, 2008 with a fine of \$150.00 per day if violations are not corrected.
February 12, 2008	Affidavit of Non-Compliance filed by the Code Enforcement Officer after reinspection on February 11, 2008 with a Notice of Hearing of March 27, 2008 to impose a lien for \$7,200.00	Violations still remain. Certified mail returned.
March 6, 2008	Received telephone call from Realtor stating that ownership of the property had changed to Countrywide Home Loans	
March 6, 2008	Letter sent to Countrywide making them aware of the existing code	Certified mail receipt dated March 11, 2008 returned to Clerk stamped by Luis

	case and Notice of Hearing for April 17, 2008 to impose a lien	Hoyos.
April 17, 2008	Code Board Hearing – Order imposing lien issued by Code Enforcement Board.	Order entered by the Code Enforcement Board imposing lien of \$10,350.00 and still accruing at \$150.00 per day.
April 22, 2008	Courtesy letter enclosing the Order imposing the lien sent to Countrywide Home Loans	Certified mail receipt dated April 28, 2008 returned to Clerk stamped by Andres Florv.
April 29, 2008	Affidavit of Compliance filed by the Code Enforcement Officer after reinspection on April 29, 2008.	Violations corrected.
September 19, 2008	Request for Reduction received	
October 2, 2008	Since Certificate of Title to Countrywide was issued before the Findings of Fact, the file was sent to the County Attorney's Office for an opinion as to the validity of lien.	The County Attorney's Office recommended releasing the lien since Countrywide purchased the property without notice of the code violations and prior to the initial hearing.

STAFF RECOMMENDATION:

Staff recommends the Board approve the Release of Lien in the amount of \$12,000.00, Code Enforcement Board Case #08-08-CEB, on 701 Coach Light Drive, Fern Drive, Tax Parcel # 20-21-30-526-0A00-0260, previously owned by Nancy Foy, and currently owned by Countrywide Home Loans, Inc., and authorize the Chairman to execute a Release of Lien.

ATTACHMENTS:

1. Findings And Order
2. Affidavit Of Non Compliance
3. Order Imposing Lien
4. Affidavit Of Compliance
5. Certificate of Title
6. Property Appraiser Data
7. Property Appraiser Data
8. Opinion from County Attorney's Office
9. Release of Lien

Additionally Reviewed By:

☒ County Attorney Review (Melissa Clarke)

RETURN TO SANDY McCANN

**CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA**

MARYANNE MORSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY

BK 06920 Pgs 0590 - 591; (2pgs)

CLERK'S # 2008011891

RECORDED 01/31/2008 03:12:57 PM

RECORDING FEES 18.50

RECORDED BY G Harford

CASE NO. 08-08-CEB

CERTIFIED COPY

CLERK OF THE

CODE ENFORCEMENT BOARD

SEMINOLE COUNTY, FL

BY: *[Signature]*

DATE: *1/28/08*

SEMINOLE COUNTY, a political
subdivision of the State of Florida,

Petitioner,

vs.

NANCY FOY

PARCEL I.D. NO - 20-21-30-526-0A00-0260

Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 08-08-CEB, it is determined that the Respondent is:

- (a) the owner of record of the property (Tax Parcel ID # 20-21-30-526-0A00-0260) located at 701 Coach Light Drive, Fern Park, located in Seminole County and legally described as follows:

LEG LOT 26 BLK A COACH LIGHT ESTATES PB 21 PGS 30 & 31

- (b) in possession or control of the property, and
(c) in violation of Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3 (h) and (n) and Seminole County Land Development Code, Chapter 30, Section 30.1349 (e) and (g)

It is hereby ordered that the Respondent shall correct the violations on or before February 8, 2008. In order to correct the violations, the Respondent shall take the following remedial action:

- 1) REMOVE THE UNCULTIVATED VEGETATION IN EXCESS OF 24" IN HEIGHT AND LOCATED WITHIN 75' FROM ANY STRUCTURE
- 2) REMOVE STAGNANT OR FOUL WATER FROM SWIMMING OR WADING POOL
- 3) RESTORE FENCE TO ITS ORIGINAL UPRIGHT CONDITION AS DESIGNED
- 4) RESTORE FENCE OR WALL TO ITS ORIGINAL CONDITION AS DESIGNED

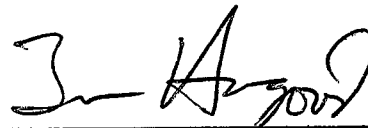
If the Respondent does not comply with the Order, a fine of \$ 150.00 per day will be imposed for each day the violations continue or are repeated after compliance past February 8, 2008.

The Respondents are further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until the Code Officer inspects the property and verifies compliance with this Order.

This Order shall be recorded in the official land records of Seminole County.

DONE AND ORDERED this 24th day of January 2008, in Seminole County, Florida.

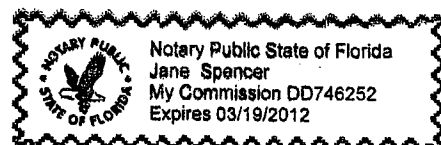
CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA



TOM HAGOOD, CHAIR

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this 24th day of January 2008, by Tom Hagood, who is personally known to me.


Jane Spencer
Notary Public to and for the
County and State aforementioned.
My Commission Expires

CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA

SEMINOLE COUNTY, a political
subdivision of the State of Florida,

CASE NO: 08-08-CEB

CERTIFIED COPY
CLERK OF THE
CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FL

Petitioner,

vs.

NANCY FOY

Respondent.


BY: Jane Spencer
DATE: 2/22/08

AFFIDAVIT OF NON-COMPLIANCE

BEFORE ME, the undersigned authority, personally appeared **Dorothy Hird**,
Code Enforcement Officer, for Seminole County Sheriff's Office, who after being duly
sworn, deposes and says:

1. That on **January 24, 2008**, the Board held a public hearing and issued its
Order in the above-styled matter.
2. That, pursuant to said Order, Respondent was to have taken certain
corrective action by or before **February 8, 2008**.
3. That a re-inspection was performed on **February 11, 2008**.
4. That the re-inspection revealed that the corrective action ordered by the
Board has not been taken in that **the uncultivated vegetation in excess of 24" in
height and within 75' of a structure and the stagnant or foul water in the
swimming pool remains. The fence has not been restored to its original upright
condition or to its original condition.**

FURTHER AFFIANT SAYETH NOT.
DATED this 12th day of **FEBRUARY 2008**.


Dorothy Hird, Code Enforcement Officer

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this 12th day of **February**
2008, by **Dorothy Hird**, who is personally known to me and who did take an oath.


Notary Public in and for the County
and State Aforementioned

My commission expires



Notary Public State of Florida
Jane Spencer
My Commission DD746252
Expires 03/19/2012

AFFNON.COM

MARYANNE MORSE, CLERK OF CIRCUIT COURT SEMINOLE COUNTY, CFN 2006021737 BK 08008 Pg 0192, (1pg) REC'D 02/25/2008 03:03:52 PM
REC FEES 0.00, RECD BY G Harford

RETURN TO SANDY MCCANN

**CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA**

MARYANNE MORSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY
BK 06979 Pgs 0492 - 493; (2pgs)
CLERK'S # 2008047762
RECORDED 04/24/2008 02:47:45 PM
RECORDING FEES 18.50
RECORDED BY G Hartford
CASE NO. 08-08-CEB

SEMINOLE COUNTY, a political
subdivision of the State of Florida,

Petitioner,
vs.

COUNTRYWIDE HOME LOANS, INC.
PARCEL I.D. NO - # 20-21-30-526-0A00-0260

Respondent.

CERTIFIED COPY
CLERK OF THE
CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FL

BY: *Joe Spence*
DATE: 4-23-08

ORDER FINDING NON-COMPLIANCE AND IMPOSING FINE/LIEN

The Respondent is the owner of record of the property (Tax Parcel ID # 20-21-30-526-0A00-0260) located at 701 Coach Light Drive, Fern Park, located in Seminole County and legally described as follows:

LEG LOT 26 BLK A COACH LIGHT ESTATES PB 21 PGS 30 & 31

This case came on for public hearing before the Code Enforcement Board of Seminole County on January 24, 2008, after due notice to the Respondent. The Board, having heard testimony under oath and having received evidence, issued its Findings of Fact, Conclusions of Law and Order.

Said Order found Respondent in violation of Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3 (h) and (n) and Seminole County Land Development Code, Chapter 30, Section 30.1349 (e) and (g).

Said Order stated that a fine in the amount of \$150.00 per day would be imposed if the Respondent did not take certain corrective action by February 8, 2008.

An Affidavit of Non-Compliance had been filed by the Code Enforcement Officer, which Affidavit certified under oath that the required action had not been obtained after reinspection on February 11, 2008.

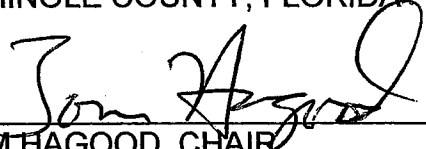
Accordingly, it having been brought to the Board's attention that Respondent has not complied with the Order dated January 24, 2008, the Board orders that a lien in the amount of **\$10,350.00** for 69 days of non-compliance at \$150.00 per day, from February 9, 2008 through and including April 17, 2008, be imposed; and the fine shall continue to accrue at **\$150.00** per day for each day the violations continue or are repeated past April 17, 2008.

RETURN TO SANDY MCCANN

This Order shall be recorded in the official land records of Seminole County and shall constitute a **lien** against the land on which the violations exist and upon any other real or personal property owned by the Respondent.

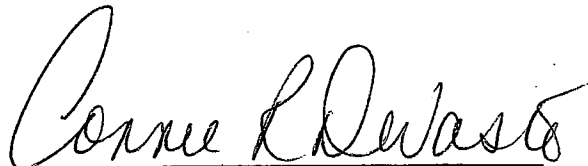
DONE AND ORDERED this 17th day of April 2008, in Seminole County, Florida.

CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA

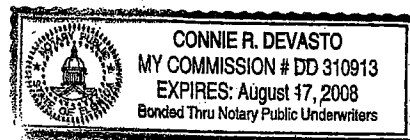

TOM HAGOOD, CHAIR

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this 17th day of April 2008, by Tom Hagood, who is personally known to me.



Connie R. DeVasto
Notary Public to and for the
County and State aforementioned.
My Commission Expires



CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA

SEMINOLE COUNTY, a political
subdivision of the State of Florida

Case No. 08-08-CEB

Petitioner,
vs.

COUNTRYWIDE HOME LOANS, INC
NANCY FOY

Respondent.

CERTIFIED COPY
CLERK OF THE
CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FL

BY: Jane Spencer
DATE: 5-13-08

AFFIDAVIT OF COMPLIANCE

BEFORE ME, the undersigned authority, personally appeared **Dorothy Hird, Code Enforcement Officer, Seminole County Sheriff's Office**, who, after being duly sworn, deposes and says:

1. That on **January 24 2008**, the Board held a public hearing and issued its Order in the above-styled matter.
2. That, pursuant to said Order, Respondent was to have taken certain corrective action by or before **February 8, 2008**.
3. That a re-inspection was performed and the Respondent was in compliance on **April 29, 2008**.
4. That the re-inspection revealed that the corrective action ordered by the Board has been taken in that **the uncultivated vegetation in excess of 24" in height and the stagnant or foul water in the swimming or wading pool has been removed and the fence has been restored to its original upright condition.**

FURTHER AFFIANT SAYETH NOT.

DATED this 29th day of APRIL 2008.

Dorothy Hird

Dorothy Hird, Code Enforcement Officer

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this 29th day of April 2008, by **Dorothy Hird**, who is personally known to me and who did take an oath.

Jane Spencer
Notary Public in and for the County
and State Aforementioned

My commission expires:



CMPLAFF.CEB

RETURN TO SANDY MCCANN

MARYANNE MORSE, CLERK OF CIRCUIT COURT SEMINOLE COUNTY, CFN 2006057820 BK 08294 Pg 19-47, (1pg) REC'D 06/18/2008 02:35:47 PM
REC FEES 10.00, REC'D BY: G Harford

IN THE CIRCUIT COURT OF THE 18TH JUDICIAL
CIRCUIT IN AND FOR SEMINOLE COUNTY,
FLORIDA

COUNTRYWIDE HOME LOANS, INC. FOR THE
BENEFIT OF WASHINGTON MUTUAL BANK,

GENERAL JURISDICTION DIVISION

Case No. 07-CA-509-14-G

vs.

Plaintiff,

NANCY LOU FOYE, et al.,

Defendants.

CERTIFICATE OF TITLE

FILED IN OFFICE
MARYANNE MORSE
CLERK CIRCUIT COURT
09 JAN 22 PM 3:17
BY SEMINOLE CO. FLA
D.C.

The undersigned, MARYANNE MORSE, Clerk of the CIRCUIT COURT, certifies that a Certificate of Sale has been filed in this action on January 8, 2008 for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

The following property in SEMINOLE County, Florida:

Lot 26, in Block A, of COACHLIGHT ESTATES, according to the Plat thereof, as recorded in Plat Book 21, at Page 30 & 31, of the Public Records of Seminole County, Florida.

was sold to COUNTRYWIDE HOME LOANS, INC. FOR THE BENEFIT OF WASHINGTON MUTUAL BANK.

Witness my hand and seal of the Court on January 22, 2008

MARYANNE MORSE
Clerk, Circuit Court

By: Mary Stoupe
Deputy Clerk

copies furnished to:

ERIC M. MYERS, ESQUIRE
ADORNO & YOSS LLP
2525 Ponce De Leon Boulevard
Suite 400
Miami, Florida 33134
(305) 460-1100

NANCY LOU FOYE
469 Eagle Creek Road
Smithville, TN 37166

DAVID WAYNE FOYE
469 Eagle Creek Road
c/o Nancy Lou Foye
Smithville, TN 37166

DAVID W. VELIZ, ESQ.
Successor Trustee for Defendant, SHASTINE PAVAO
425 W. Colonial Drive, Suite 104
Orlando, Florida 32804

MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.
c/o T CORPORATION SYSTEMS, R.A.
1200 S. Pine Island Road
Plantation, Florida 33324

THOMAS R. SLATEN, JR., ESQ.
Counsel for COACH LIGHT ESTATES
NEIGHBORHOOD ASSOCIATION, INC.
Larsen & Associates, P.A.
55 East Pine Street
Orlando, Florida 32801

CURRENT RESIDENT
701 Coach Light Drive
Fern Park, Florida 32730

RECORDED BY G. HARTFORD
RECORDING FEES \$ 0.00
DEED DOC TAX \$ 7.75
RECORDED 01/23/2008 03:56:08 PM
CLERK'S # 20080009462
BK 06914 Pg 0220; (1pg)
SEMINOLE COUNTY
MARYANNE MORSE, CLERK OF CIRCUIT COURT

PARCEL DETAIL																																																											
DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508																																																											
GENERAL Parcel Id: 20-21-30-526-0A00-0260 Owner: FOY NANCY Mailing Address: PO BOX 372 City,State,ZipCode: WINDERMERE FL 34786 Property Address: 701 COACH LIGHT DR FERN PARK 32730 Subdivision Name: COACH LIGHT ESTATES Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 01-SINGLE FAMILY		2008 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$245,730 Depreciated EXFT Value: \$7,448 Land Value (Market): \$40,000 Land Value Ag: \$0 Just/Market Value: \$293,178 Assessed Value (SOH): \$293,178 Exempt Value: \$0 Taxable Value: \$293,178 Tax Estimator Tax Reform Calculator																																																									
SALES <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>05/2007</td> <td>06703</td> <td>1929</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/2006</td> <td>06360</td> <td>0874</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1994</td> <td>02871</td> <td>1780</td> <td>\$69,500</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1981</td> <td>01329</td> <td>1314</td> <td>\$136,000</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	05/2007	06703	1929	\$100	Improved	No	WARRANTY DEED	08/2006	06360	0874	\$100	Improved	No	WARRANTY DEED	12/1994	02871	1780	\$69,500	Improved	Yes	WARRANTY DEED	04/1981	01329	1314	\$136,000	Improved	Yes	2007 VALUE SUMMARY 2007 Tax Bill Amount: \$4,354 2007 Taxable Value: \$294,833 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS																						
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PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506																																													
GENERAL Parcel Id: 20-21-30-526-0A00-0260 Owner: COUNTRYWIDE HOME LOANS INC Mailing Address: 400 COUNTRYWIDE WAY City,State,ZipCode: SIMI VALLEY CA 93065 Property Address: 701 COACH LIGHT DR FERN PARK 32730 Subdivision Name: COACH LIGHT ESTATES Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 01-SINGLE FAMILY		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="3" style="text-align: center;">VALUE SUMMARY</th> </tr> <tr> <th style="text-align: center;">VALUES</th> <th style="text-align: center;">2009 Working</th> <th style="text-align: center;">2008 Certified</th> </tr> <tr> <td style="text-align: center;">Value Method</td> <td style="text-align: center;">Cost/Market</td> <td style="text-align: center;">Cost/Market</td> </tr> <tr> <td style="text-align: center;">Number of Buildings</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> </tr> <tr> <td style="text-align: center;">Depreciated Bldg Value</td> <td style="text-align: right;">\$199,640</td> <td style="text-align: right;">\$217,842</td> </tr> <tr> <td style="text-align: center;">Depreciated EXFT Value</td> <td style="text-align: right;">\$7,181</td> <td style="text-align: right;">\$7,448</td> </tr> <tr> <td style="text-align: center;">Land Value (Market)</td> <td style="text-align: right;">\$40,000</td> <td style="text-align: right;">\$40,000</td> </tr> <tr> <td style="text-align: center;">Land Value Ag</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td style="text-align: center;">Just/Market Value</td> <td style="text-align: right;">\$246,821</td> <td style="text-align: right;">\$265,290</td> </tr> <tr> <td style="text-align: center;">Portability Adj</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td style="text-align: center;">Save Our Homes Adj</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td style="text-align: center;">Assessed Value (SOH)</td> <td style="text-align: right;">\$246,821</td> <td style="text-align: right;">\$265,290</td> </tr> <tr> <td colspan="3" style="text-align: center;">Tax Estimator</td> </tr> </table>	VALUE SUMMARY			VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$199,640	\$217,842	Depreciated EXFT Value	\$7,181	\$7,448	Land Value (Market)	\$40,000	\$40,000	Land Value Ag	\$0	\$0	Just/Market Value	\$246,821	\$265,290	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$246,821	\$265,290	Tax Estimator						
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	1	SINGLE FAMILY	1980	10	2,263	3,860	2,263	SIDING AVG	\$199,640	\$226,864																																			
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NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes. *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.																																													



**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Alison Stettner, Planning Manager
FROM: Melissa Clarke, Assistant County Attorney
DATE: October 27, 2008
Subject: Nancy Foye
Parcel I.D # 20-21-30-526-0A00-0260

In your request for Opinion, received in this office on October 14, 2008, you asked whether there was a valid lien on the above referenced property. In this particular case, the Property was sold to the current owner, Countrywide, on January 22, 2008. The County recorded the first document in this case, the Code Board's Findings of Fact on January 24, 2008. Therefore when Countrywide purchased the property, it had no notice that a code enforcement case was pending against the property. According to Section 162.07, Florida Statutes, if a certified copy of an order is recorded in the public records, the order constitutes notice to subsequent purchasers and the findings therein are binding on subsequent purchasers. Since Countrywide took title to the property without notice of the code enforcement case, Countrywide is not responsible for any fines that accrued prior to its ownership.

With respect to any fines that accrued during Countrywide's ownership, according to section 162.05(5), Florida Statutes, if the property is transferred between the time the initial pleading was filed and the time of the hearing, the original owner is required to disclose the existence of the code enforcement case to the new owner. If the new owner does not receive such disclosure, the statute requires the County to provide the new owner time to correct the violation before the hearing is held. Countrywide first received notice of the code enforcement proceeding on March 6, 2008 in the form of a letter. That letter informed Countrywide that a hearing will be held on April 17, 2008. The letter also informed Countrywide that at this hearing, the County planned to request that a lien be imposed in the amount of \$10,350.00. The \$10,350.00 amount included fines that accrued while the previous owner held title and fines that accrued during Countrywide's ownership.

It is unclear whether this letter satisfies the due process requirements of Florida Statutes, Chapter 162. Arguably, since Countrywide received the Findings of Fact, Conclusions of Law and Order with the letter, the letter served as reasonable notice. However, since Countrywide took title without notice and after the initial hearing where the fine was determined, it is unclear whether the requirements of the statute were

satisfied. Under the County's modified current procedure, if there is a change in ownership before the lien has been imposed, the County starts a new case against the new owner. Therefore, under the current procedure, the County would start a new case against Countrywide. Since Countrywide brought the property into compliance shortly after receiving the March 6, 2008 letter, I recommend the County apply the basic principles of the modified procedure and release the lien against this property. Please contact me if you have further questions.

MC/

**RELEASE OF LIEN
AS TO PARTICULAR PARCEL**

THIS instrument disclaims and releases the lien imposed by the Order Finding Non-Compliance and Imposing Fine/Lien, issued by the Seminole County Code Enforcement Board in Case No. 08-08-CEB, filed against COUNTRYWIDE HOME LOANS & NANCY FOY, and filed by and on behalf of Seminole County, on April 17, 2008, and recorded in Official Records Book 06979, Pages 0492 - 493, of the Public Records of Seminole County, Florida, against the following described real property:

LEG LOT 26 BLK A COACH LIGHT ESTATES
PB 21 PGS 30 & 31

The undersigned is authorized to and does hereby disclaim and release the lien as to the whole of the above-described real property, and consents that the same be discharged of record.

DATED this _____ day of _____, 2009.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida

By: _____
BOB DALLARI, Chairman

Date: _____

For the use and reliance
of Seminole County only.
Approved as to form and
legal sufficiency.

As authorized for execution by the
Board of County Commissioners at their
January 13, 2009 regular meeting.

County Attorney